

PLANNING AND ZONING COMMISSION

MINUTES

July 20, 2021, Continuation Meeting Public Hearing

IN PERSON AT

420 CENTRAL AVE DOLORES CO. 81323

OR VIRTUALLY BY THE LINK BELOW:

Join Zoom Meeting

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Meeting ID: 959 4210 7624

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1. **CALL TO ORDER.** Chairperson Robinson called the meeting to order at 6:41 p.m.
2. **PLEDGE OF ALLEGIANCE:** The attendees stood and pledged allegiance to the flag while the zoom attendees recited the pledge of allegiance.
3. **ROLL CALL:** Present at the meeting were Commissioners Truelsen, Powell, Heeney, Tucker and Chairperson Robinson. Ex Officios Trustee Watters attended virtually. Staff members present: Charles, Doudy, Kelly, Garvin, and Swope.

Absent: Ex Officio Lewis.

Two community members attended in person and three attended virtually.
4. **IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.** Commissioner Heeney recused himself from the public hearing at this time due to a financial implication.
5. **APPROVAL OF THE AGENDA.** Commissioner Powell moved and Commissioner Truelsen seconded to approve the agenda.

Yes: Truelsen, Powell, Tucker and Robinson

No: none
6. **PUBLIC PARTICIPATION 5 minutes per person.** None

7. STAFF REPORTS: presented in the public hearing.

8. PUBLIC HEARING – CONDITIONAL USE PERMIT FOR 102 RAILROAD AVE RETAIL MARIJUANA ESTABLISHMENT.

Chairperson Robinson opened the public hearing at 6:45 p.m.

8.1 Discussion and action regarding the CONDITIONAL USE PERMIT FOR 102 RAILROAD AVE RETAIL MARIJUANA ESTABLISHMENT.

Chairperson Robinson called the Staff to present their review and analysis of the application. Manager Charles acknowledged the presence of the applicants of the Marijuana Establishment, Patrick Labruzzo (attending virtually) and Crystal Pedersen who attended in person. Dan Heeney is the owner of the property where the licensed establishment will be.

Manager Charles and Building Official Doudy presented the application for Conditional use permit. Manager Charles gave a brief history of the development of marijuana regulations after the community voted to allow establishments in Dolores. Manager Charles explained the evolution of the regulations and the applications received and the subsequent requirement for this application for the location of the business. They listed the items to be considered for imposing conditions on the permit. (See attachment) and relayed comments of concerns from residents of South 2nd street who attended a stakeholder meeting on July 19, 2021, with town staff and attorney at the town hall Manager's office. Manager Charles presented the distance of separation map to show that the location meets separation distances and also showed the plat of the property which identified the separation of the building for the two businesses. The presentation showed how the applicants business plan will meet the standards for Marijuana establishments in appendix A of Ordinance 546-Marijuana Establishment Regulations for lighting, parking, signage, security, and safety. The presentation also addressed the potential nuisances of smoke, fumes, gas, odor, explosion, glare, noise, dirt, and dust. To address impacts of traffic manager Charles will place traffic signs, one for speed limit and the other to warn a driver of NO OUTLET. The street is a public and parking is allowed on the street. The 4 conditions recommended by the staff to be imposed on the permit holder were: Signs to meet code and illuminated only during business hours, signs to direct visitors to additional parking on the west side of the building at the woodshop and directs customers of the woodshop to the west side of the building. There was discussion about the fence between the adjacent property. A privacy fence will be constructed between the two properties.

Chairperson Robinson opened the hearing to the Commissioners for questions. Ex Officio Trustees Watters asked about the recently developed standards for screening between uses and whether it was included in the review of the business license application. Building Official Doudy confirmed that the review of the business license application included review of standards for screening and there is an existing fence between the adjacent property that will be modified to be a privacy

fence. In addition, there is currently a line of trees along the boundary as well that adds screening between the two properties and the building has no windows on the adjacent side.

Chairperson Robinson opened the hearing to the public comment and began with Mike Tobin the adjacent property owner at 200 S 2nd. Tobin wanted to address the boundary discrepancy that exists between the two properties. He acknowledges that the boundary line correction will be handled outside of this process but wanted to create a record of it to confirm that a process will take place to correct the boundary discrepancy that there is a verbal agreement and a written agreement. Tobin has observations for parking. He wants to know where the employees will be parking. He is concerned about overflow parking demand and how it will impact the neighbors. Dan Heeney will provide off street parking for his woodshop employees at his home across the highway. Patrick Labruzzo says that the employees will use two of the six spaces and has started conversations with the neighboring properties for employee parking.

Sara Harmeyer has concerns about the street itself. One that it is uneven, and water collects in puddles. People who access the park from 2nd street tend to park at the end of the street in front of the fire hydrant. She says her children ride bikes and play on the street and other children play on the street. She says vehicles travel too fast on the street and will likely ignore speed limit signs. Attorney Kelly clarified that the residents of 2nd street and town staff met at the town hall previously and that there were no Commissioners present at that meeting.

Jen Stark presented her comments after articulating that she is currently serving a term on the Town Board of Trustees and is recusing herself from any decision in this application process in this meeting and the public hearing at the Board Meeting on July 26, 2021, she is participating in public comments as a 200-foot resident who received notice of this hearing of the application of the Conditional Use Permit. Jen Stark is suggesting the following conditions to impose on the Conditional Use Permit: parking, traffic, glare, and lighting. She observed that the site plan she received with her notice is inaccurate and is different than the map being shown tonight and is different than any that have been shown to date.

- To address parking Stark wants four off street parking established in front and that the rear area is cleared sufficient to provide additional off-street parking.
- Traffic impacts to the pedestrian traffic and unattended children should be addressed. On the same note, special events in the adjacent park impact parking on 2nd street.
- Dark sky lighting requirement, exterior lighting be brought up to dark sky compliant.

- Sign illumination be turned off at close of business day and that glare from lighting does not travel down the street. Stark asked for the hours of operation be limited to no later than 9 p.m.

Chairperson Robinson invited Patrick Labruzzo to respond to the comments and concerns. Labruzzo addressed parking by saying the planned parking is estimated to meet the demand for his business customers and employees. As for children and pedestrians, signage will be employed, and he will be conscious of their presence. He will provide dark sky lighting on the building but will be required to maintain compliant security lighting. Heeney reminded the group that there are two streetlights on the intersection of Railroad and 2nd and another light on the south end of 2nd street. As for the hours of operation Labruzzo says he will shorten his allowed hours if the same is imposed on the second retail store. He predicts that peak seasons will require longer hours, but he is willing to adjust his operations as he learns the patterns of the business. The State of Colorado has set by regulation the maximum business hours of 9:00 a.m. to 10:00 p.m.

At the conclusion of the responses, Chairperson Robinson closed the public hearing at 7:45 p.m. the statement of finding of fact which are the following: The application for Conditional Use Permit was submitted on June 18, 2021. The submittal requirements were met. Public notice was published as required and included the 200-foot neighbors. The public hearing was held, and public comments were heard.

Chairperson Robinson requested a motion for one of the following options. Approve the Conditional Use permit as it was received, approve the Conditional Use Permit with conditions imposed or deny the Conditional Use permit and return it to the applicant for more information.

Commissioner Powell moved and Commissioner Tucker seconded to approve the Conditional Use permit for 102 Railroad Ave with the following conditions.

1. Signs-must meet code and face Hwy 145 (Railroad Ave),
2. Signage lights only illuminated during operational hours.
3. "Additional Parking" Sign that directs marijuana customers to west side of building.
4. A sign that directs Rustic Style Furniture customers to west side of building.
5. Build a privacy fence on the agreed upon boundary between 102 Railroad Ave and 200 S 2nd
6. Dark Sky compliant lighting will be met per application.

9. ITEM FOR REVIEW – Introduction to and preliminary review of Article 17 Specific Development Review Procedures.

Planner Garvin explained how the Procedures chapter was presented to the Commission in a cleaned-up version and offered to present the red line version to the Commission to show all the alterations Garvin has made to the original LUC

Commented [A51]: The roll call vote is missing in these minutes. The correction will be stated in the August 3, 2021 approval of minutes. The vote was yes: Tucker Powell Truelsen and Robinson.
No: none

procedures. It was decided that the staff would do the full review of the new procedures section and make revisions or suggestions to Garvin by July 30, 2021. Attorney Kelly wants clarifications made for Townhome subdivision and other subdivisions. He also wants to pin down the areas and make references where this code overlaps or is tied to the Municipal Code.

Other items: Garvin will produce the Draft LUC around August 9 and the Commission will review it for two weeks. Scheduling the Continuation meeting to Saturday July 21, 2021, where the full Draft Code will be reviewed by the Commission. Two weeks later Garvin will have made edit and prepare the draft LUC for public review. Mid-September is the goal for public roll out. Manager Charles updated Commission that the grant contract for this LUC update deadline for completion is set for December 31, 2021.

Commented [AS2]: Mis named...month should be August 21, 2021

11. ADMINISTRATIVE: NONE

12. Meeting Adjourned at 8:31 p.m.

Linda Robinson, Chairperson

Ann Swope, Assistant Clerk